

ASSEMBLY BILL

No. 939

Introduced by Assembly Member Melendez

February 22, 2013

An act to add Section 49416 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 939, as introduced, Melendez. Pupil and personnel health: automatic external defibrillators.

Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees, and requires the program to be developed using specified guidelines.

This bill would state the intent of the Legislature that all public schools acquire and maintain at least one automatic external defibrillator (AED). The bill would authorize a public school to solicit and receive nonstate funds to acquire and maintain an AED. If a public school decides to acquire and maintain an AED, or continue to use and maintain an existing AED, the bill would authorize and encourage the school to comply with specified requirements. The bill would provide that an employee and the school district are not liable for civil damages resulting from specified uses or nonuses of an AED, except as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 49416 is added to the Education Code, to read:

49416. (a) It is the intent of the Legislature that all public schools acquire and maintain at least one automatic external defibrillator (AED).

(b) A public school may solicit and receive nonstate funds to acquire and maintain an AED. These funds shall only be used to acquire and maintain an AED and to provide training to school employees regarding use of an AED. If a public school decides to acquire and maintain an AED, or continue to use and maintain an existing AED, the school may, and is encouraged to, do all of the following:

(1) Place an AED in a centralized location on campus for the purpose of preventing deaths resulting from sudden cardiac arrests among pupils, faculty, and visitors.

(2) Have the AED available for use at a school-sponsored athletic event. The AED placed in a centralized location on campus may serve as the AED that is available for use at school-sponsored athletic events that occur at the school campus.

(3) Maintain records of both of the following:

(A) That the AED is maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer.

(B) That the AED is checked for readiness after each use and at least once every 30 days if the AED has not been used during the preceding 30 days.

(4) Prepare a written medical emergency preparedness plan that describes the procedures to be followed in the event of a medical emergency that may involve the use of an AED. The written plan may include, but is not limited to, immediate calling of the emergency 911 telephone number when an AED is used.

(5) Require all school employees expected to administer an AED in an emergency to complete a training course in cardiopulmonary resuscitation and AED use that complies with the regulations adopted by the Emergency Medical Services Authority and the standards of the American Heart Association or the American Red Cross. A trained school employee may

1 administer an AED in accordance with the school's medical
2 emergency preparedness plan.

3 (c) (1) An employee of a school district who renders emergency
4 care or treatment pursuant to this section is not liable for civil
5 damages resulting from the use, attempted use, or nonuse of an
6 AED, except as provided in paragraph (3).

7 (2) If an employee of a school district uses, attempts to use, or
8 does not use an AED consistent with the requirements of this
9 section, to render emergency care or treatment, the employee,
10 school district, or both are not liable for civil damages resulting
11 from any act or omission in rendering the emergency care or
12 treatment, including the use or nonuse of an AED, except as
13 provided in paragraph (3).

14 (3) Paragraphs (1) and (2) shall not apply in the case of personal
15 injury or wrongful death that results from gross negligence or
16 willful or wanton misconduct on the part of the person who uses,
17 attempts to use, or maliciously fails to use an AED to render
18 emergency care or treatment.

19 (d) For purposes of this section, a "school-sponsored athletic
20 event" means a school-sponsored extracurricular athletic activity,
21 which includes practice for and competition in an interscholastic
22 athletic sporting event held at any location, including a nonpublic
23 school facility.